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**FISCAL IMPACT STATEMENT**

**LS 7563**

**BILL NUMBER:** SB 533

**NOTE PREPARED:** Jan 14, 2009

**BILL AMENDED:**

**SUBJECT:** IOSHA and Labor Administrative Matters.

**FIRST AUTHOR:** Sen. Buck

**FIRST SPONSOR:**

**BILL STATUS:** As Introduced

**FUNDS AFFECTED:** ☒ **GENERAL**  
**DEDICATED**  
**FEDERAL**

**IMPACT:** State

**Summary of Legislation:** *Wage Claims:* This bill provides that an employee may file a civil lawsuit seeking recovery of unpaid wages without filing a wage claim with the Department of Labor (Department).

*Information Sharing:* The bill allows the Department of Workforce Development to release certain employer-specific information to the department for use only: (1) by the division that oversees the federal Bureau of Labor Statistics survey; and (2) for the purpose of refining and preparing the survey of occupational injury and illness.

*IOSHA:* The bill allows the Department to collect a penalty assessment assessed under the Indiana Occupational Safety and Health Act (IOSHA) by obtaining a judgment lien against an employer's real or personal property or levying upon an employer's property held by a financial institution. It provides that an individual who is an officer or member of a domestic or foreign corporation, a limited liability company, a partnership, or a limited partnership is personally liable for the payment of an IOSHA penalty assessed against the individual's employer. The bill provides that a successor employer assumes the unpaid IOSHA penalty assessments of a predecessor employer.

The bill allows the Department Commissioner to enter into an agreement with an employer concerning the correction or abatement of an IOSHA violation.

The bill also extends by 30 days the time in which the Attorney General is required to file an action after receiving an IOSHA whistleblower discrimination complaint.

**Effective Date:** July 1, 2009.

**Explanation of State Expenditures:** *Wage Claims:* The bill could reduce the Department's expenses if they do not have to investigate the wage claim before the filing of the civil lawsuit.

*Information Sharing:* The sharing of information, known as ES202 data, by the Department of Workforce Development with the Department of Labor should reduce some Department of Labor expenses in refining and preparing the Survey of Occupational Injury and Illness Report. The cost to the Department of Workforce Development and savings to the Department should be minor. The information would be summarized to contain:

1. The average employment figure.
2. The employers's name, address, city, state, and ZIP code.
3. The county code where the employer is doing business.
4. The employers's 6-digit NAICS code.
5. The employer's TEI.
6. Ownership information for the employer.
7. The employer's UI identification number.

*IOSHA:* The fiscal impact of extending by 30 days the time in which the Attorney General is required to file an action after receiving an IOSHA whistleblower discrimination complaint could reduce state expenditures. Currently, the Attorney General has 120 days to bring action in an Indiana circuit court.

**Explanation of State Revenues:** *IOSHA:* The provisions allow the Department greater flexibility in collecting penalties that might be assessed under IOSHA . The bill would allow a judgement lien against an employer's real or personal property, specify that an officer or member of the corporation is liable for the penalty, and that if a business is bought, then the new business is responsible for payment of the penalty. It is unknown how much additional revenue might be raised.

The fiscal impact of allowing the Department Commissioner to enter into an agreement with an employer concerning the correction or abatement of an IOSHA violation would depend on the violation and the agreement. The impact is unknown.

**Explanation of Local Expenditures:**

**Explanation of Local Revenues:**

**State Agencies Affected:** Department of Labor, Department of Workforce Development, Attorney General.

**Local Agencies Affected:**

**Information Sources:**

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